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*Attorney for Plaintiff.*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

TIMOTHY SLATE,

Plaintiff,

v.

ANDREW SAUL,  
Commissioner of Social Security,

Defendant.

No. 3:19-cv-00682-CLB

STIPULATION AND [PROPOSED] ORDER  
FOR THE AWARD OF ATTORNEY FEES  
PURSUANT TO THE EQUAL ACCESS TO  
JUSTICE ACT, 28 U.S.C. § 2412(d) AND  
COSTS PURSUANT TO 28 U.S.C. § 1920

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA) in the amount of FIVE THOUSAND ONE HUNDRED dollars (\$5,100.00) and costs under 28 U.S.C. § 1920 in the amount of FOUR HUNDRED DOLLARS (\$400.00). These amounts represent compensation for all legal services rendered and costs incurred on behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d) and 1920.

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010), the ability to honor the assignment will depend on whether the fees, expenses are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses

1 is entered, the government will determine whether they are subject to any offset.

2 Fees and expenses shall be made payable to Plaintiff, but if the Department of the  
3 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause  
4 the payment of fees to be made directly to the Metsker Law Firm, pursuant to the assignment  
5 executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

6 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
7 attorney fees and expenses, and does not constitute an admission of liability on the part of  
8 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release  
9 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to  
10 EAJA attorney fees and expenses in connection with this action.

11 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security  
12 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

13  
14 Respectfully submitted,

15  
16 Dated: April 21, 2020

/s/ John David Metsker  
John David Metsker  
Attorney for Plaintiff

18 DAVID L. ANDERSON  
19 United States Attorney

20 Dated: April 21, 2020

/s/ Chantal R. Jenkins\*  
Chantal R. Jenkins  
\*As authorized via email on April 21, 2020  
Special Assistant United States Attorney  
Attorneys for Defendant

23  
24 **[PROPOSED] ORDER**

25 Pursuant to the parties' stipulation, IT IS SO ORDERED.

26  
27 DATE: April 22, 2020

  
28 HON. CARLA BALDWIN  
UNITED STATES MAGISTRATE JUDGE